

**DECLARATION AND POWER OF ATTORNEY FOR  
UNITED STATES PATENT APPLICATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe that I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if more than one name is listed below) of the subject matter which is claimed and for which a United States patent is sought on the invention entitled

**CYCLIC NUCLEOTIDE PHOSPHODIESTERASES**

the specification of which:

/ / is attached hereto.

/ X/ was filed on November 19, 1997 as application Serial No. 08/974,565 and if this box contains an X / /, was amended on \_\_\_\_\_.

/ / was filed as Patent Cooperation Treaty international application No. \_\_\_\_\_ on \_\_\_\_\_, 19\_\_\_\_\_, if this box contains an X / /, was amended on under Patent Cooperation Treaty Article 19 on \_\_\_\_\_ 19\_\_\_\_\_, and if this box contains an X / /, was amended on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge my duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim the benefit under Title 35, United States Code, §119 or §365(a)-(b) of any foreign application(s) for patent or inventor's certificate indicated below and of any Patent Cooperation Treaty international applications(s) designating at least one country other than the United States indicated below and have also identified below any foreign application(s) for patent or inventor's certificate and Patent Cooperation Treaty international application(s) designating at least one country other than the United States for the same subject matter and having a filing date before that of the application for said subject matter the priority of which is claimed:

Country	Number	Filing Date	Priority Claimed
_____	_____	<u>/</u> Yes <u>/</u> No	_____
_____	_____	<u>/</u> Yes <u>/</u> No	_____

**Docket No.: PF-0057-1 CIP**

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in said prior application(s) in the manner required by the first paragraph of Title 35, United States Code §112, I acknowledge my duty to disclose material information as defined in Title 37 Code of Federal Regulations, §1.56(a) which occurred between the filing date(s) of the prior application(s) and the national or Patent Cooperation Treaty international filing date of this application:

<b>Application Serial No.</b>	<b>Filed</b>	<b>Status (Pending, Abandoned, Patented)</b>
<u>08/624,663</u>	<u>March 25, 1996</u>	<u>Pending</u>

I hereby appoint the following:

**LUCY J. BILLINGS**  
**MICHAEL C. CERRONE**

**Registration No. 36,749**  
**Registration No. 39,132**

respectively and individually, as my attorneys and/or agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Please address all communications to:

**LUCY J. BILLINGS, ESQ.  
INCYTE PHARMACEUTICALS, INC.  
3174 PORTER DRIVE, PALO ALTO, CA 94304**

**TEL: 650-855-0555      FAX: 650-845-4166**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

**Sole Inventor or  
First Joint Inventor:**

Full name: **JANICE AU-YOUNG**  
Signature: *Janice Au-Young*  
Date: March 3, 1998  
Citizenship: United States of America  
Residence: Berkeley, California  
P.O. Address: 1419 Kains Avenue  
Berkeley, California, 94702

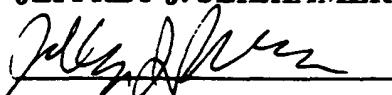
**Second Joint Inventor:**

Full name: **BENJAMIN G. COCKS**  
Signature: *Benjamin G. Cocks*  
Date: February 23, 1998  
Citizenship: Australia  
Residence: Palo Alto, California  
P.O. Address: 4292 D Wilke Way  
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**Third Joint Inventor:**

Full name: **ROGER COLEMAN**  
Signature:   
Date: Feb 23, 1998  
Citizenship: United States of America  
Residence: Mountain View, California  
P.O. Address: 260 Mariposa Street, #2  
Mountain View, California, 94041

**Fourth Joint Inventor:**

Full name: **JEFFREY J. SEILHAMER**  
Signature:   
Date: Feb 23, 1998  
Citizenship: United States of America  
Residence: Los Altos Hills, California  
P.O. Address: 12555 La Cresta  
Los Altos Hills, California, 94022

**Fifth Joint Inventor:**

Full name: **DOUGLAS A. FISHER**  
Signature: Douglas A. Fisher  
Date: February 26 1998  
Citizenship: United States of America  
Residence: Groton, Connecticut  
P.O. Address: 600 Meridian Street, #824  
Groton, Connecticut 06340

Certificate of Mailing

"Express Mail" mailing label number 330 963 920 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated and is addressed to: Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 25, 2003.

By: Diane Kizer

Printed: Diane Kizer

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Au-Young et al.

Title: CYCLIC NUCLEOTIDE PHOSPHODIESTERASE

Serial No.: To Be Assigned Filing Date: Herewith

Examiner: To Be Assigned Group Art Unit: To Be Assigned

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Mail Stop: Patent Application  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE UNDER 37 C.F.R. §3.73(b),  
REVOCATION OF POWER OF ATTORNEY AND  
APPOINTMENT OF NEW ATTORNEYS**

Sir:

The undersigned has reviewed all the documents in the chain of title of the above-identified patent application and, to the best of undersigned's knowledge and belief, title is in the assignee identified above.

Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc., having a principal place of business located at 3160 Porter Drive, Palo Alto, California 94304, certifies that it is the assignee and owner of the entire right, title and interest in, to, and under the invention described and claimed in the above-identified application by virtue of an Assignment recorded at Reel 9718, Frame 0495, hereby revokes all previous powers of attorney and appoints the following patent attorneys/agents:

Lucy J. Billings	Reg. No. 36,749	Michelle M. Stempien	Reg. No. 41,327
Jenny Buchbinder	Reg. No. 48,588	David G. Streeter	Reg. No. 43,168
Diana Hamlet-Cox	Reg. No. 33,302	James M. Verna	Reg. No. 33,287
Joel Harris	Reg. No. 44,743	Yu-Mei Eureka Wang	Reg. No. 50,510
Richard C. Ekstrom	Reg. No. 37,027	Shirley A. Recipon	Reg. No. 47,016
Barrie D. Greene	Reg. No. 46,740	Cathleen M. Rocco	Reg. No. 46,172
Lori L. Kerber	Reg. No. 41,113	Susan K. Sather	Reg. No. 44,316
Gina C. Nellesen	Reg. No. 52,062		

**Please direct all correspondence to:**

Legal Department  
Incyte Corporation  
3160 Porter Drive  
Palo Alto, California 94304

and direct all telephone calls and facsimile transmissions to: Diana Hamlet-Cox, Incyte Corporation, Phone: (650) 845-4639, Fax: (650) 849-8886 or (650) 845-4166.

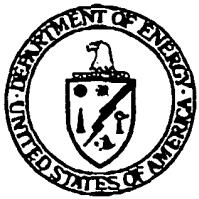
The undersigned (whose title is supplied below) is empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

INCYTE CORPORATION

Date: July 25, 2003

By: Lee Bendekgey  
Lee Bendekgey  
EVP, General Counsel/Corporate Secretary



**D**epartment of Energy  
Washington, DC 20585

MAR 3 2003

Mr. Michael Carone  
Office of Licensing and Review  
U.S. Patent and Trademark Office  
Technology Group 3600  
Crystal Park 5  
Arlington, Virginia

Re: Blanket Exemption from Requirements Under §42 U.S.C. 2182 for Incyte Genomics, Inc.

Dear Mr. Carone:

The U.S. Department of Energy (DOE) wished to grant Incyte Genomics, Inc. (Incyte) a blanket exemption from the requirements under §42 U.S.C. 2182 for their patent applications disclosing inventions involving radionuclides. This blanket exemption is granted based on assertions set forth in Incyte's letter to DOE dated February 25, 2003. No blanket exemption is granted from the requirements of any other statute, including the security review statute, §42 U.S.C. 2181.

This blanket exemption will be effective from the date of this letter for one (1) calendar year (the "Blanket Exemption Period"), and covers all Incyte patent applications now pending before the U.S. Patent and Trademark Office and will cover all Incyte patent applications filed within the Blanket Exemption Period. Therefore, the Blanket Exemption Period ends on February 26, 2004. For the Blanket Exemption Period, Incyte will include a copy of this letter with all applicable applications. This blanket exemption may be renewed for successive one (1) year periods upon Incyte's request, subject to DOE approval. DOE will notify your office in writing of such renewals, if granted.

Sincerely,

A handwritten signature in black ink, appearing to read "PA GOTTLIEB".

Paul A. Gottlieb  
Assistant General Counsel  
for Technology Transfer  
and Intellectual Property  
(202) 586-2802



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